

Fair Housing Policy Related to Disability:

Guidance and Requirements
for Property Owners and Managers

**Applicable to Covered Housing Developments
(see Appendix 1, Definitions, m.)**

Prepared by the Accessible Housing Program of the Los Angeles Housing
and Community Investment Department

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PART ONE: OVERVIEW

1.1 City Commitment to Fair Housing

The City of Los Angeles is strongly committed to affordable housing that is

- a. nondiscriminatory;
- b. fully accessible to Individuals with Disabilities; and
- c. in full compliance with fair housing and disability rights laws.

These Policies cover all Housing Developments that have received financing by, through, or in connection with a program administered by the City or the Community Redevelopment Agency of the City of Los Angeles (CRA/LA). This includes, but is not limited to: housing financed with HOME, CDBG or other City Affordable Housing Trust Fund monies; City or CRA/LA issued bonds; CRA/LA tax increment funds and also applies to Housing Developments with a ground lease of CRA/LA property.

All housing covered by these Policies must be constructed and operated in accordance with all applicable disability and fair housing laws. Specific obligations are set forth below.

1.2 Compliance with Policies Mandatory

These Policies reflect the requirements of federal and state fair housing law as well as the City's policies pertaining to Individuals with Disabilities living in housing supported by the City or the Community Redevelopment Agency of the City of Los Angeles or its successors. They were developed to answer the questions of Owners, property managers, and tenants regarding the fair housing rights of Individuals with Disabilities. Questions regarding these policies shall be directed to the City's Housing Accessibility Program.

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Owners of Housing Developments are required to adopt and comply with these Policies and procedures. The Policies are **mandatory**, and to the extent the Policies conflict with existing policies or the development's lease provisions, then the policies or lease provision that provides greater protections for Individuals with Disabilities will control. Owners are also required to maintain specified records and report to the City regarding their implementation.

1.3. Information for Owners, Property Managers, Tenants and Applicants

This document has been divided into three sections. Part One provides an overview. Part Two outlines Owner obligations in general. The third part is a Tenant Handbook that discusses in detail how the Policies will be implemented in the Housing Development. Therefore, the Tenant Handbook has been written so that Owners can insert the name of the Housing Development in place of the words [Housing Development]. This Tenant Handbook and Appendices must be provided to applicants for housing, new tenants moving into units, and current tenants on the anniversary of their tenancy. **Owners and their agents are responsible for knowing and implementing all policies contained in Part Two of this Guidance, and the Tenant Handbook.** These policies are designed to assist Owners and their agents to comply with federal and state nondiscrimination laws.

1.4 Applicable Laws

The following laws apply, as appropriate:

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- a. The federal Fair Housing Act (FHA), as amended by the Fair Housing Amendments Act of 1988¹;
- b. Titles II, III and V of the federal Americans with Disabilities Act (ADA), as amended, including by the Americans with Disabilities Amendment Act of 2008²;
- c. Section 504 of the federal Rehabilitation Act of 1973 (§ 504), as amended³;
- d. California's Fair Employment and Housing Act (FEHA); ⁴
- e. California's Unruh Civil Rights Act⁵;
- f. California's Disabled Persons Act,⁶; and

¹ Federal Fair Housing Act, as amended by the Federal Fair Housing Amendments Act, 42 U.S.C. §3601 *et seq.* See also federal regulations at 24 C.F.R. Part 100 *et seq.*, especially 24 C.F.R. §§ 100.200-205 on "Prohibition Against Discrimination Because of Handicap."

² Americans with Disabilities Act, as amended by the Americans with Disabilities Amendments Act of 1988, 42 U.S.C. § 12101 *et seq.* See also Title II regulations (State and local governments) at 28 C.F.R. Part 35 and Title III regulations (public accommodations) at 28 C.F.R. Part 36.

³ Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. See also federal regulations regarding "Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development" at 24 C.F.R. Part 8.

⁴ California's Fair Employment and Housing Act, California Government Code § 12900 *et seq.*

⁵ Unruh Civil Rights Act, California Civil Code §§ 51 *et seq.*

⁶ California's Disabled Persons Act, Civil Code Section 54 *et seq.*

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g. California Government Code 11135⁷.

Other federal or state fair housing laws may apply in some circumstances.

1.5 Disability Defined

Both federal and state laws protect an Individual with a Disability; this includes an Individual with a record of having a disability, and a person regarded as having a disability. Generally, more than one law will apply. Where there are differences between federal and state law, the provision of the law providing the most protection or the greatest accessibility to Individuals with Disabilities will control. The definitions of disability in these policies are intended to ensure that everyone covered by either federal or state law is protected. Disability is determined without looking at mitigating factors (for example, you have a mobility disability even though you can walk with crutches).

“Disability” includes a mental or physical impairment that limits a major life activity.⁸ Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

⁷ California Government Code Section 11135 *et seq.*

⁸ California law is more protective of Individuals with Disabilities than federal law. Cal. Fair Employment and Housing Act (FEHA), Gov. Code 12926(j) and (m). Federal law references disabilities that “substantially limit” rather than “limit” activities. However, federal recent interpretations of the phrase “substantially limit,” following the ADA Amendments Act, make it very similar to the California definition. Therefore, we use the term “limit” in these policies, not “substantially limit.”

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Disabilities include both physical and mental disabilities. Physical disabilities include, but are not limited to, partially or completely missing limbs, mobility disabilities requiring the use of a wheelchair, cerebral palsy, blindness, deafness, and chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, multiple sclerosis, and heart disease. Mental disabilities include, but are not limited to, emotional or mental illness including, but not limited to: schizophrenia, and chronic or episodic conditions such as clinical depression, bipolar disorder, post-traumatic stress disorder, and obsessive compulsive disorder. Covered disabilities also include cognitive or intellectual disability; developmental disabilities, organic brain syndrome; traumatic brain injuries, specific learning disorders; and autism spectrum disorders. While disability does not include the current illegal use of a controlled substance, alcoholism and past drug addiction are defined as disabilities. Federal disability rights laws do provide protections for an individual with an addiction to illegal drugs who (1) has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated and is no longer engaging in such use; (2) is currently participating in a supervised rehabilitation program and is no longer engaging in such use; or (3) is not a current user. These laws also protect individuals erroneously regarded as engaging in illegal drug use, but who are not in fact engaging in such use. A further exception exists under the ADA and Section 504 for individuals currently using illegal drugs if a purpose of the program or activity in question is to provide health or rehabilitation services to such individuals.

PART TWO: OWNER OBLIGATIONS

2.1 Summary of Requirements

Owners must comply with all fair housing obligations, and must follow all applicable laws including, but not limited to, those listed above. Key obligations are summarized in this Section, along with cross references to more detailed provisions later in these Policies.

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- a. **Nondiscrimination.** Owners must not discriminate **on any basis prohibited by law**. This includes *race*,⁹ *color*, *religion*, *sex*, *sex/gender*, *gender identity and expression*, *familial status*, *national origin*, *citizenship*, *immigrant status*, *primary language*, *marital status*, *ancestry*, *age*, *sexual orientation*, *disability*, *source of income* (including receipt of Section 8 vouchers and similar subsidies),¹⁰ *genetic information*, *arbitrary characteristics*, *military or veteran status*, or any other basis currently and subsequently prohibited by law. (Federal fair housing laws prohibit discrimination based on the categories written in *italics*; California laws prohibit discrimination based on all of these categories.) See Sections 1.4., and Appendix 1, Definitions.

- b. **Reasonable Accommodations.** In addition, Owners must provide Reasonable Accommodations to rules, policies, practices, programs, services, activities, and facilities that may be necessary to ensure that Individuals with Disabilities, and households including Individuals with Disabilities, are not discriminated against or excluded from housing or housing-related services based on disability. A Reasonable Accommodation includes any physical or structural change to a Housing Unit or a public or common use area that would be considered a reasonable modification for purposes of the Fair Housing Act. See Sections 2.7(e) and (f), 2.10, 2.11, 2.15(c), 3.4,

⁹ Under California law, race includes “traits historically associated with race, including but not limited to hair texture and protective hairstyles.” California Government Code § 12926(w). “Protective hairstyles” include, but are not limited to, such hairstyles as braids, locks, and twists. California Government Code § 12926(x).

¹⁰ Under California law, source of income is defined as “lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance, and federal state, or local subsidies, including but not limited to, federal housing assistance vouchers under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). Source of income includes a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. For the purposes of this definition, a housing owner or landlord is not considered a representative of the tenant unless the source of income is a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher. California Government Code § 12927(i) (2020).

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and 3.14(d). Additional guidance on Reasonable Accommodations may be found in the May 17, 2004 Joint Statement of HUD and the Department of Justice (DOJ) on Reasonable Accommodations under the Fair Housing Act, available online at

<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.

- c. **Effective Communication.** Owners must provide effective communication when necessary so as to ensure that communication with applicants and residents with vision, hearing, speech, or other communication disabilities is as effective as communication with individuals without disabilities. See Sections 2.13, 3.5, and 3.17.
- d. **Service and Other Assistance Animals.** Owners must permit service dogs and other assistance animals in accordance with applicable laws. See Sections 2.12, 3.15, and 3.16. Owners are encouraged to refer to HUD Notice FHEO 2013-01 (April 25, 2013)¹¹, which explains the differences between these rights under federal law' an California regulations providing additional guidance about assistance animals at 2 California Code of Regulations section 12185, including permissible inquiries and owner policies regarding assistance animals, including service animals.
- e. **Affirmative Marketing.** Owners must conduct affirmative marketing to Individuals with Disabilities and take other steps to affirmatively further fair housing. See Sections 2.3, 2.5, 2.15, and 3.6.
- f. **Accessible Units.** Owners must ensure that their Housing Developments are accessible, and provide specific Housing Units with Mobility Features and Housing Units with Hearing/Vision

¹¹ A copy of HUD's April 25, 2013 FHEO Notice is available online at https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO_508.pdf.

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Features, as required by law, the City and the Property Management Plan. See Sections 2.3 and 3.7.

- g. **Waitlists, Transfers, and Vacancies.** Owners must add to and maintain waitlists, fill vacancies, and provide unit transfers in a manner that ensures that Individuals with Disabilities who need accessibility features have a priority for Accessible Units. Tenants who need a transfer as a Reasonable Accommodation for disability-related reasons will be given priority on the transfer list over tenants who request transfers for any reason other than emergencies affecting health or safety. See Sections 2.3, 2.8, 2.9, 2.10, 3.11, 3.12, and 3.13.
- h. **Barriers to Access.** Owners must not create barriers to accessibility (such as placing obstacles in accessible paths of travel or in accessible public bathrooms) or allow barriers to accessibility to occur due to neglect (such as failing to repair elevators in a reasonable time). Owners must promptly remove barriers to access. See Section 3.8.
- i. **No Retaliation Against Tenants.** Owners must not retaliate against any tenant, applicant, or associated person for exercising rights under the law or this Policy, or for requesting that Owners comply with these Policies or any anti-discrimination law. Under California law, it is unlawful for Owners to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant, occupant, or other person known to the Owner to be associated with a tenant or occupant, for the purpose of, or with the intent of, harassing or intimidating a tenant or occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering

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possession of the dwelling, irrespective of whether the tenant or occupant currently resides in the dwelling.¹² See Section 3.9.

- j. **Disability Considered Only In Relation To Certain Tenant Requests.** A tenant's or applicant's disability may *only* be considered in reference to the following:
- i. requests for accessible units
 - ii. requests for reasonable accommodations requests and requests for auxiliary aids and services, and communications in alternative formats
 - iii. occupancy in Housing Developments in which the eligibility for admissions is legally permitted to be limited to Individuals with Disabilities or a specific disability, or
 - iv. when the Housing Development utilizes a selection preference for Individuals with Disabilities that is permitted by law.

See Sections 3.10 and 3.14(h).

- k. **Disability Related Information.** Only if the disability and/or the need for the requested accommodation are not obvious or already known, then the Owner may request disability related information. When this information is necessary, Owners must seek only enough information to ascertain whether the tenant or applicant meets the requirement of having a disability and a disability-related need for whatever the tenant is requesting (e.g., an accommodation, or accessible unit), but must refrain from inquiring about the nature or severity of the disability. Additional information may only be requested if the information:

¹² See California Civil Code § 1940.35(a).

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- i. is necessary to verify that the tenant or applicant has a disability;
 - ii. is necessary to describe the needed Reasonable Accommodation; and/or
 - iii. shows the relationship between the individual's disability and the need for the requested Reasonable Accommodation, including a unit with specific accessibility features. See Sections 3.10 and 3.14(h).
- I. **Confidentiality.** Owners must keep confidential all medical and other information about the individual's disability. If that information is retained by the Housing Development, it must be kept in locked files that are separate from general applicant or tenant files.

See Sections 3.10 and 3.14(h).

- m. **Language Access.** Many people, including applicants or tenants with disabilities, are limited English proficient (LEP). Therefore, Owners must provide information under these Policies in Spanish and other languages used by tenants in Housing Developments.

2.2 Designation of Responsible Individual

Owners must designate an experienced, senior property manager to coordinate the efforts to comply with the requirements of these Policies. The name, title and contact information of the individual will be posted in the office and available upon request to any individual. See Section 3.2 and Appendix 9, Property Management Contact Information.

2.3 Property Management Plan (PMP)

Each Owner created a Property Management Plan (PMP) that was approved by the City prior to lease-up. Among other requirements, the PMP must:

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- i. identify each Accessible Unit by unit number, type of accessibility (mobility or hearing/vision), number of bedrooms, affordability level, and any applicable program restrictions.;
- ii. describe the initial and subsequent tenant selection processes and affirmative marketing plan, and
- iii. reflect a commitment to affirmatively further the fair housing rights of tenants, including Individuals with Disabilities.

Housing Developments whose PMPs do not meet the requirements of these Policies must update their PMPs and submit to HCIDLA ACHP for review and approval within 60 days of adoption of these Policies and send their PMPs to the City for approval.

2.4 Training

Property management staff, including managers, agents, and employees responsible for the operation or management of a Housing Development, must attend HCIDLA training on the information contained in these Policies. New staff must receive an orientation to these policies within 30 days of hire and all staff must receive ongoing training in fair housing laws, including an annual refresher course.

2.5 Affirmative Marketing of Accessible Units

Owners must affirmatively market the Housing Development and the Accessible Units to Individuals with Disabilities, consistent with the updated Property Management Plan, provide basic information about fair housing law to applicants (as described below), and otherwise market the Housing Development to eligible persons in the City without regard to disability.

In order to maximize use of Accessible Units by individuals needing the features of the units, all Owners must take the following steps to ensure

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that potential applicants are informed of available units, encouraged to apply, and have an equal opportunity to rent units:

- a. **Outreach.** Owners must conduct sufficient outreach to community organizations and other groups that serve Individuals with Disabilities to ensure that Accessible Units are, to the maximum extent possible, occupied by those households who need the accessibility features of that unit. Each Property Management Plan must describe how staff will conduct this outreach. Outreach to these organizations must take place at initial lease up, when the wait list for a property is reopened after being closed, or when an Accessible Unit becomes available and there is no qualified household on any transfer or waiting list. City's mandatory affirmative marketing outreach resource list of organizations that serve Individuals with Disabilities can be found on the HCIDLA's Accessible Housing Program (AcHP) website (www.AccessHousingLA.org). Outreach to all organizations on the City's list is mandatory when undertaking affirmative marketing. Owners must use the most up-to-date list available from the City. Outreach activities must include an e-blast of the approved marketing flyer in an accessible format to organizations on the AccessHousingLA.org website Outreach List. All marketing materials must mention that there are Accessible Units for Individuals with Disabilities who need accessible features. Also, those materials must describe available units that are not fully accessible but have certain features that could be used by some Individuals with Disabilities, such as units that are located on a ground floor or in an elevator building, have adjustable closet rods, adjustable counter heights, grab bars in bathrooms or the ability to easily install grab bars (reinforcement/blocking behind the walls to enable future installation of grab bars), seats in shower, lever type handles on all doors, front load washer and dryers in laundry room, lower controls – light switches, thermostats, intercom, door bells, security alarms.

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- b. **Website.** Information about the Housing Development and all Accessible Units and their availability status must be accurately listed online at <http://www.accesshousingla.org>. Owners must keep current the availability status of Accessible Units and the property management contact information listed on the website. In addition, Owners must accurately and completely list the accessibility features of the Accessible Units, and any other units with accessible features beyond the designated Accessible Units. Owners must also list vacant Conventional Units on the website. Owners must place Individuals with Disabilities on their waiting lists who apply via the website. For developments that have units that are processed through the Coordinated Entry System (CES), the website provides the contact information for the development's CES service provider and a link to Los Angeles Homeless Services Authority's Coordinated Entry System (CES) applicant portal to ensure applicants eligible for homeless and permanent supportive housing assistance are appropriately placed. Individuals may choose to be considered for affordable housing through the website as well as through the CES portal.

2.6 Rental Office

- a. **HUD Poster.** Every rental office must display a HUD Fair Housing Poster in the rental office. The poster may be obtained through the local HUD office or at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity/marketing.
- b. **Notice.** Every rental office will also display a Notice of Right to Reasonable Accommodation and Auxiliary Aids Pursuant to Effective Communication Policy (Appendix 2).
- c. **State Fair Housing Poster.** Every rental office will also display a State Fair Housing Poster in both English and in Spanish DFEH-

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H01P-ENG (Fair Housing Is the Law) and DFEH-H03B-SP (Spanish version). The posters and additional information are available from the California Department of Housing or Community Development or can be downloaded at <https://www.dfeh.ca.gov/resources/posters-and-brochures-and-fact-sheets/poster-and-brochure-tab-list/?target=housing>. Owners or Property Management Agents should check annually to be sure they have the most recent version.

2.7 Tenant Application Package and Other Written Materials

The Housing Development's tenant application package must contain a section where the applicant may indicate a request for an Accessible Unit with Mobility or Hearing/Vision features (see Sections 2.8, 2.14(e)(iii));

The Housing Development's tenant application package, tenant annual recertification cover pages, and all marketing materials must include the following:

- a. A statement that the property has Accessible Units and/or units with accessible features (if accurate) and an explanation of how an interested person can inquire about particular features of the Accessible Units;
- b. The Equal Housing Opportunity Logo (currently available at HUD's website at <http://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/fheologo>), and the statement "This housing is offered without regard to race, color, religion, sex, gender, gender identity and expression, familial status, national origin, marital status, ancestry, age, sexual orientation, disability, source of income, genetic information, arbitrary characteristics, or any other basis prohibited by law";
- c. Marketing materials must not include any discriminatory remarks. Examples of discriminatory remarks include, but are not limited to,

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remarks such as “independent living” or “need to be able to live independently,” which are discriminatory because they appear to exclude individuals who rely on supportive services, assistance, or aides. Housing Developments are not permitted to exclude individuals on the grounds that they utilize these services due to a disability;

- d. Documents must contain the Universal Symbol of Accessibility and, if available, a TTY/TDD phone number. Advertising must also include an email address which individuals can use to request an application, as well as other information about where the application may be obtained, a statement that Individuals with Disabilities have the right to ask for and receive Reasonable Accommodations in rules, policies, practices, physical changes to facilities, or services (including in the application process), including the right to ask for communications in alternative formats, to ask for auxiliary aids and services, as well as information on how to make such a request. (See subsection (f) below, “Notice of Right to Reasonable Accommodation,” for specific details); and
- e. A statement on the tenant application and tenant annual recertification cover pages that Reasonable Accommodations will be provided upon request.
- f. Notice of Right to Reasonable Accommodation. Owners must provide notice of the right to Reasonable Accommodations. The following language is to be placed at the bottom of the first page of every rental application and re-certification packet in at least a 12-point, non-serif type:

“An Individual with a Disability may ask for:

A change in rules or a physical change to their apartment or shared areas in the building (Either of which is a Reasonable Accommodation);

An accessible apartment; and

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Auxiliary Aids necessary to ensure effective communication between us.

If you or anyone in your house has a disability and needs any of these things to live in our [Housing Development] and use our services then:

Contact [Housing Development] staff to communicate your need for a reasonable accommodation or you may use a form called a 'Reasonable Accommodation Form.'

See Appendix 2, Notice of Right to Reasonable Accommodations and Auxiliary Aids Pursuant to Effective Communication Policy and also Appendix 3, Optional Request Form for Reasonable Accommodations and/or for Auxiliary Aids pursuant to Effective Communication Policy.

2.8 Initial Application Process and Waiting Lists

Application forms must provide a section where Individuals with Disabilities who need the features of a mobility or hearing/vision unit can indicate their desire for such unit. Using the process described in the Development's PMP for the tenanting of units, Owners must create two lists – one for conventional units and another for Accessible Units. The names of Individuals with Disabilities who have identified the need for accessible units will be on both waiting lists so that applicants have the option of choosing a conventional unit should their name come up on that list before an Accessible Unit is available.

All waiting lists should clearly indicate which applicants have requested Accessible Units and what type of unit (Housing Unit with Mobility Features or Housing Unit with Hearing/Vision Features). Applicants and tenants who need both mobility and hearing or vision features should be offered the option of being offered a Unit with Mobility Features; reasonable accommodations can then be made to provide necessary hearing/vision features.

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If initial application forms did not solicit information about disability-related requests for Accessible Units, Owners must contact all households already on their waiting lists, upon adoption of this Handbook, to determine whether any household on the waiting lists needs an Accessible Unit. If so, they should be placed on the appropriate waiting list for Accessible Units in the corresponding order that they would have been had the applicant household been asked at time of the initial application. Owners may require verification that the person needs the accessibility features of that type of unit, prior to leasing an Accessible Unit. Verification of disability should not be sought until such time as an Accessible Unit is available and only if the disability-related need for the Accessible Unit is not otherwise obvious or already known.

All new residents that sign a lease for an Accessible Unit, who do not need or do not have a household member who needs the accessible features of the unit are required to sign a Lease Addendum at the time the lease is signed. The Lease Addendum requires residents without a disability who live in an Accessible Housing Unit or a unit with accessible features to relocate to a vacant, non-accessible unit of comparable size, finishes, amenities at the same Development and at the Owner's expense, within 30 days of notice by the Owner or Property Management Agent, or the minimum amount of notice required under California law, that there is an eligible applicant or existing resident with a disability who needs the accessibility features of the unit. The Owner or Property Management Agent shall ensure that prior to relocation from the accessible unit, the existing tenant to be relocated from the accessible unit meets the affordability and program eligibility requirements of the unit to which the household is to be relocated.

2.9 Filling Vacancies in Accessible Units

Owner must use suitable means to assure that information regarding the availability of Accessible Units reaches eligible Individuals with Disabilities, and will take reasonable, nondiscriminatory steps to maximize the

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utilization of such units by eligible Individuals with Disabilities whose disability requires the accessibility features of the particular unit. When an Accessible Unit becomes vacant, Owner must:

- a. First, offer the unit to a current occupant of the Housing Development who needs the features of an Accessible Unit;
- b. Second, offer the unit to a current occupant of a Housing Development under common control who has requested and needs the features of an Accessible Unit;
- c. Third, offer the unit to an eligible, qualified applicant with disabilities on the Housing Development's waiting list who needs the features of an Accessible Unit;
- d. Fourth, offer the unit to a current tenant of a Covered Housing Development who needs the accessible features of the Accessible Unit and is registered with the Website.
- e. Fifth, offer the unit to qualified applicants who need the accessible features of the Accessible Unit and are registered with the Website.

If there is no eligible current tenant or applicant in need of accessible features, then the Development must conduct targeted outreach and marketing to advertise the unit to qualified individuals who need its accessible features, including—

- i. listing the unit as vacant and available to individuals who need the accessible features at <http://www.AccessHousingLA.org>,
- ii. distributing information about the accessible vacancy in accordance with the Owner's Property Management Plan,
- iii. distributing information to organizations that serve Individuals with Disabilities, and

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- iv. sending an e-blast of City-approved marketing flyer in an accessible format to organizations on the AccessHousingLA.org website Outreach List.

In the event that more than one household has requested an Accessible Unit, Owners must offer the Unit to households in their order on the Waiting Lists within each category (mobility or hearing/vision).

If, after using the process identified above, there are no households who need the features of that Accessible Unit, then Owners must offer the unit to the next household on the Conventional Unit waiting list. Should that household choose not to occupy the Accessible Unit, they will remain at the same position on the Conventional Waiting list. If the household chooses to occupy the Accessible Unit, the tenant must sign a Lease Addendum in the form approved by HCIDLA (Appendix 6, Lease Addendum: Tenant's Agreement to Vacate Accessible Unit) at the same time the lease for the Accessible Unit is signed. The Lease Addendum requires the household to move to the next available, **comparable**, Conventional Unit, when given required notice by the Housing Development that there is an eligible applicant or existing resident with a disability who requires the accessibility features of that Unit. For current residents with an unexpired lease that reside in an Accessible Unit that do not require the features of the Accessible Unit must sign a Lease Addendum either one year from the date this policy is adopted or the date when a new lease is signed, whichever is later. Residents with month-to-month tenancy will be given the period of notice required by California law of changes to the terms of their tenancy, which will be consistent with the requirements of the Lease Addendum. Owners are responsible for enforcement of the Lease Addendum and the notice provided to month-to-month tenants.

For individuals who are required to vacate an Accessible Unit because it is needed by an Individual with a Disability, Owners must pay the costs of transferring to a comparable Conventional Unit, including new utility deposit(s), if required, and reasonable moving-related expenses. These costs are eligible project expenses.

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A household with a disability-related need for some, but not all, of the features of an Accessible Unit will not be required to sign a lease addendum stating they will move in the event that there is another household with an individual who could utilize more of the features of that unit. However, that household may be offered a Conventional Unit with reasonable accommodations provided by [Housing Development]. If that household voluntarily agrees to move to a Conventional Unit with reasonable accommodations, then [Housing Development] must provide the same costs described above, as well as pay for accessibility features in the new Conventional Unit. These costs are also eligible project expenses.

When there is not yet a transfer provision in the lease that meets the requirements of this Policy, Owners may offer Conventional Units as they become available, first to households occupying Accessible Units who do not need the accessible features of that unit, and then in order to others on the Development's waiting list.

See Sections 3.11, 3.12 and 3.13.

2.10 Requests for Transfers for Disability Related Reasons

At the time of annual recertification of tenant households, Owners must notify tenants that, if someone in their households has or develops a disability and needs accessibility features that their unit does not provide, then they have the right to:

1. request a transfer to a unit that has accessible features; or
2. to request reasonable accommodations to their units to make them more accessible.

As previously described under Section 2.9, Filling Vacancies in Accessible Units, Owners must pay the costs of moving tenants to their new units. These costs are eligible project expenses. Owner will not charge additional fees for a transfer to an Accessible Unit or require an increased security

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deposit, unless the unit being vacated has been damaged beyond reasonable wear and tear, in which case the costs of repairs may be deducted from the current security deposit and an itemized receipt for repairs presented to the tenant with a request to replenish the deposit.

Owners must not charge the tenant an increased rent beyond the level of the tenant's existing apartment, unless the tenant chooses a unit with an additional bedroom and that unit is not selected to address a reasonable accommodation request. If the new unit has a permissible higher rent, at least 30 days in advance Owners must notify the transferring tenant about the new rental amount.

Tenants must have the opportunity to view the unit and have at least five days in which to decide whether to move there. Owners shall provide additional time, if necessary, as a reasonable accommodation for tenants with disabilities.

Owners must maintain an Accessible Unit Transfer List of current tenant households having Individuals with Disabilities who have requested a transfer to an Accessible Unit (or to a Conventional Unit with specific accessibility features). The list will include tenants residing in Housing Developments under common control who request an Accessible Unit. If a tenant waiting for a transfer to an Accessible Unit rejects the offer of an accessible unit, the tenant will remain at the same position on the Transfer List for the next available Accessible Unit. Transfer Lists of tenants with disabilities and Wait Lists of applicants with disabilities requiring Accessible Units will be centrally coordinated through the development's management office.

When a Conventional Unit is expected to become vacant, Owners must offer that unit to the first household on the waiting list (based on any preferences applicable to the project), regardless of whether that applicant has requested an Accessible Unit. If the applicant has indicated a disability-related need for an Accessible Unit, Owners must notify the applicant in writing that the unit is not accessible, but that physical

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alterations to the Conventional Unit will be provided to accommodate the individual's needs.

An eligible family with a member who has a disability may choose to lease a Conventional Unit, if no Accessible Unit is available when the household reaches the top of the waiting list. In order to ensure access to the affordable housing program, Owners must provide physical alterations to the Conventional Unit to accommodate the individual's needs, unless the alterations would result in an undue financial and administrative burden to the Housing Development. If the applicant prefers to wait for an Accessible Unit, the household will remain at their position on both the Conventional and Accessible Unit waiting lists until accepting a housing unit that meets the household's needs. If an individual accepts a Conventional Unit with physical changes, but that unit does not fully meet the individual's needs, the Owner must permit the individual to be placed on the Accessible Unit Transfer List for a unit that meets the individual's needs.

The Housing Development may include some Conventional Units that contain accessibility features or may be accessible for other reasons. Owners must provide information about these units' accessible features to tenants who have informed Owners that they have a disability-related need so that they can choose whether to place themselves on the Transfer List to lease those units. For example, an individual may have difficulty climbing stairs. A ground floor Conventional Unit may meet his or her needs, even though the unit does not otherwise meet all the applicable accessibility standards of an accessible housing unit with mobility features. However, no household is required to give up its Conventional Unit with accessibility features to accommodate a household that would like those features. Tenants on the Accessible Unit Transfer List who do not need all the features of an Accessible Unit will be given first choice in renting a Unit that meets their needs (for example, a ground floor Conventional Unit) when one becomes vacant. See Section 3.13 of the Tenant Handbook.

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2.11 Consideration of Requests for Reasonable Accommodations and Interactive Process

Upon receipt of request, Owners must grant Reasonable Accommodations unless the request fundamentally alters the nature of the Development's program or imposes an undue financial and administrative burden, considering all resources available to the Development, as set forth in Section 3.14. Reasonable accommodation policies and procedures must comply with California regulations about reasonable accommodations, which are located at 2 California Code of Regulations Sections 12176-12185. The interactive process is also addressed in California regulations at 2 California Code of Regulations section 12177. Finally, the requirements regarding verifications are addressed in the California regulations at 2 California Code of Regulations section 12178.

2.12 Service Animals and Other Assistance Animals

A variety of state and federal laws provide tenants, prospective tenants with disabilities, and guests the right to have an assistance animal, which are subject to the Reasonable Accommodations policies and procedures set forth above. State and federal laws also give Individuals with Disabilities who visit or live in a housing development the right to be accompanied by a service animal. These rights and the Owner's obligations are addressed in Section 3.15 and 3.16. Owners are required to include the Assistance Animal Policy as a part of the lease by reference and are required to provide the Assistance Animal Policy to each applicant at the time of application or to each resident during annual recertification. Assistance animal policies and procedures must comply with California regulations about assistance animals, which are located at 2 California Code of Regulations Section 12185. Within 90 days of this policy being adopted any Owners that required a tenant to pay a deposit or any fee in connection with an assistance animal must issue refunds to each affected resident.

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2.13 Effective Communication

Owners must adopt and implement the Effective Communication Policy detailed in this section and Section 3.17 of the Tenant Handbook. Owner must take appropriate steps to ensure that communications with applicants, tenants and other Individuals with Disabilities are as effective as their communications with individuals without disabilities.

To meet this obligation, Owners must provide appropriate auxiliary aids and services to ensure that Individuals with Disabilities have an equal opportunity to participate in, and benefit from, their Housing Developments and services. Owners must comply with the Guidance in the U.S. Department of Justice's ADA guidance on Effective Communication (<http://www.ada.gov/effective-comm.htm>).

Owners must provide, at their expense, auxiliary aids and services for effective communication with their residents and applicants, as well as employees. These costs are eligible project expenses.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, Owners shall give primary consideration to the requests of Individuals with Disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the Individual with a Disability.

Owners shall provide, for individuals who are blind, have low vision, or have cognitive disabilities to receive forms, notices, and other information in alternative formats, as requested, including requests to automatically receive in a requested alternate format all print materials distributed, posted, or made available to applicants and tenants. In addition, for persons who are blind or have low vision, Auxiliary Aids and Enhanced

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Accessibility Features provided pursuant to the City's program shall include, but are not limited to, the following: appliances and gym equipment with buttons, knobs, tactile markings, and audio features rather than touch screens; intercom and other security systems at apartment building main entrances must be accessible to persons with sensory disabilities. Entry system cannot rely on a resident's or guest's ability to see; key fob access to controlled areas rather than touch screens or key cards, must be provided; thermostats and air conditioning controls must have buttons rather than touch screens and must provide audio feedback; apartment mailboxes must have bump dots or raised lettering; vending machines must have braille, large print or audio features that enable use without vision; apartment doors and doors to public and common use areas must have raised letters/numbers, braille and large print signage; elevator buttons with braille and raised/large print; audible elevator floor indicators, accessible electronic copies of leases, Development rules and Development notices that conform to the W3C's Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT) for shorter documents and the International Digital Publishing Forum's EPUB3 standard for lengthy or complex documents; enhanced lighting; emergency evacuation information in accessible formats, handrails on stairways, contrast on stair noses; and effective communication training provided to Development personnel upon request. When gym equipment and appliances are provided, including but not limited to exercise equipment, ranges, microwaves, dishwashers, washers and dryers, they must be provided so they are accessible to persons who are blind or have low vision.

For persons who are deaf or hard of hearing, Auxiliary Aids and Accessibility-Related Features provided by Subrecipients, Owners, and Property Management Agents pursuant to the City's program shall include, but are not limited to, the following: emergency systems (e.g., fire alarms, carbon monoxide detectors, smoke alarms) with light alerts or other visual or tactile alerting (e.g., bed shakers); doorbells with light alerts or other

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visual alerting; intercom and security systems at building entrances that do not rely on a resident's or guest's ability to hear; sign language interpreters available to provide access to meetings and social gatherings; use of audio amplification systems and assistive listening systems at resident meetings; activated closed-captioning on televisions located in public areas; using telephone relay systems or other electronic methods (e.g., text messaging) to communicate with deaf individuals; and effective communication training provided to Development personnel upon request; video phones provided in common use areas with high speed internet; video connections for intercoms; message boards in text format; close captioning turned on at all times on all televisions and projected media in common use areas; assistive listening devices and loops in rooms where there are public presentations; and acoustically designed common areas.

Owners must train all property management staff, including maintenance staff, in how to receive, and initiate, telephone calls to individuals who are deaf, hard of hearing, deaf-blind, or who have speech disabilities using a TTY or the Telecommunication Relay Services (TRS). If Housing Development has a TTY, it must place and accept calls using the TTY.

Housing Development must accept telephone calls placed through relay services. Staff who answer the telephone will treat relay calls just like other calls. For further information regarding relay services, Owners may contact the California Public Utility Commission's Deaf and Disabled Telecommunications Program at <http://ddtp.cpuc.ca.gov/relay.aspx>. In the event an Owner does not have a separate TTY number, the phone number for contacting the development's management offices must be posted and TTY users should be directed to call 711 or use their preferred Video Relay Service (VRS) provider. If requested by someone with a disability, Owners shall consider, as Reasonable Accommodations, email, text and/or fax communications.

PMPs must state that Development will endeavor to provide auxiliary aids and services immediately on an as-needed basis, and "walk-in" requests for aids and services will be honored to the extent possible. However,

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there may be instances in which it is not possible to provide requested aids and services immediately, such as arranging for Braille materials or American Sign Language Interpreters. Owners can request that individuals needing these services, where possible, make the request for auxiliary aids or service in advance of when needed. If an Owner has reason to believe that an individual will require an auxiliary aid or service such as an interpreter or materials in alternate formats, it must promptly initiate the individualized assessment process to identify what auxiliary aids and/or services will be necessary to ensure effective communication.

Signage in management offices; or on applications, recertification forms, and correspondence; or in telephonic voice mail greetings, automated telephonic menus; and other media used to communicate with the public and with residents will include information about how to request auxiliary aids and services.

Note that Owners (1) are prohibited from requiring an Individual with a Disability to bring another individual to interpret for her or him; (2) must not rely on an adult accompanying an Individual with a Disability to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or in situations not involving an imminent threat where the Individual with a Disability specifically requests such assistance, the accompanying adult agrees, and it is appropriate under the circumstances (this exception does not apply to minor children); and (3) must not rely on minor children to interpret, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

See Sections 3.5 and 3.17.

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2.14 Grievance Procedures and Notices of Rights

- a. Owners must adopt and implement the grievance procedures detailed in this section and Section 3.18 of the Tenant Handbook that incorporate appropriate due process standards that provide for the prompt and equitable resolution of disability-related complaints.
- b. Owners must notify applicants and tenants about the Housing Development's grievance process and provide the name of a senior staff person to contact with respect to any grievance and update that information in a timely manner. See Section 3.18 and Appendix 9, Property Management Contact Information.
- c. Owners must also notify applicants and tenants about the right to use the City Housing Accessibility Program Complaint Process. See Section 3.19.
- d. Owners must take steps to notify applicants and residents that owners do not discriminate on the basis of disability, of applicants' and residents' rights as described in this Policy, and of their right to file complaints. Aggrieved persons may file complaints under the Fair Housing Act with the U.S. Department of Housing and Urban Development or the California Department of Fair Employment and Housing. HUD may also accept complaints under Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA. Notice of these rights must also supply the contact information for the person charged with overseeing the grievance process. A copy of this policy, related forms, and the contact information must be provided to new tenants along with their lease, and to existing tenants at their annual recertification, and must be posted in the management office.
- e. Additional methods of initial and continuing notification of rights and grievances procedures may include the posting of notices, placement of notices in recipients' publications, and distribution of memoranda or other written communications. Owners must ensure members of

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the population eligible to be served who have visual or hearing impairments are provided with the information necessary to understand and access the housing. Methods for ensuring participation include, but are not limited to, qualified sign language and oral interpreters, readers, or the use of taped and Braille materials, as set out in the Sections on Effective Communication.

- f. These procedures supplement, and do not replace, any notice and grievance procedures required by HUD, any funding sources, or other applicable law.
- g. Notices of rights and the grievance process are in addition to [Housing Development's] obligation to engage in the interactive process with an individual who has requested a Reasonable Accommodation.
- h. Applicants and tenants are not required to exhaust these grievance procedures before seeking other administrative or judicial relief that may be available.
- i. Any notice from the Housing Development will include:
 - i. The name, title, and contact information of an individual who they can contact in regard to the action and the grievance procedure;
 - ii. A description of the action;
 - iii. The reasons for the action with enough specificity to allow the individual to prepare an informed rebuttal;
 - iv. Information about how the tenant or applicant can view and copy his or her file and any records related to the adverse action;

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- v. The availability of a meeting with a manager or other supervisory individual not involved in the decision on the action;
 - vi. The time deadlines and process for requesting the meeting in (iv);
 - vii. The availability of reasonable accommodations and effective communication assistance as needed in exercising the rights in the notice; and
 - viii. The location and contact information of the local legal services agency, a local fair housing organization, and an independent living center.
 - ix. The availability of a procedure through the City of Los Angeles.
- j. The grievance procedures include:
- i. The availability of a meeting to contest the action. The meeting will be with a manager or other supervisory individual not involved in the decision on the action;
 - ii. The availability of reasonable accommodations and effective communication assistance as needed to participate in the meeting;
 - iii. The right to view and copy the file and any records related to the adverse action;
 - iv. The right to present evidence and witnesses at the meeting;
 - v. The right to be represented or accompanied by a person of his or her choice at the meeting; and

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- vi. The right to receive a written decision within five (5) business days of the outcome of the meeting that states the reason for the decision and the evidence relied on in making the decision.

See Section 3.18 and Section 3.19.

2.15 Records

- a. Owners must keep dated records and copies of all advertising flyers and notices related to their affirmative marketing efforts prior to lease-up, reopening of the waiting list, or prior to rental of an Accessible Unit to a household who does not need the accessibility features.
- b. Owners must keep copies of their original applicant pool information, dated waiting and transfer lists showing contact information, application dates, waiting list status, and related documents showing attempts to contact people on the waiting lists and dates people were provided a rental unit.
- c. Owners must keep logs and dated records of requests --
 1. for Accessible Units by tenants, tenants in Housing Developments under common control, and applicants, and the outcomes of those requests; See Sections 3.7, 3.11, 3.12 and 3.13.
 2. for any Accessible Units *not* rented to a person who needs the accessible features, an explanation of all steps taken to attempt to rent the unit to a household with a person who needs the accessible features. See Sections 2.9 and 3.12.

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3. of all Reasonable Accommodation requests, including requests to transfer to a more accessible unit. At a minimum, logs must contain, the following information:
 - i. Name of requestor and current address, phone number or unit number;
 - ii. Description of the request;
 - iii. Whether the request is for an Accessible Unit and which type (e.g. unit with mobility or hearing/vision features, ground floor unit, a transfer to a different unit for other accommodation reasons, or other pertinent information);
 - iv. Size of unit requested (e.g. Studio, 1, 2, or 3 Bedroom Unit), *if relevant to the request*;
 - v. Date of request;
 - vi. Current status of the request;
 - vii. Whether the accommodation was approved or denied in whole or in part and date of determination;
 - viii. If request was denied, reason for denial;
 - ix. Date notice given to requestor of approval or denial;
 - x. Anticipated implementation date for completion of the accommodation;
 - xi. Date accommodation was provided or completed; and
 - xii. Pending and final appeals/grievances of denied or delayed Reasonable Accommodation requests, including the date of the appeal, the date of the final decision, and the final outcome, including implementation information if the request is granted.
- d. Owners must keep a list of any resident that was issued a refund for a deposit or other fee in connection with an assistance animal, which

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must include the name of the resident, the address, and refund amount.

- e. Owners must keep a list of all relocations that occur under the terms of the Lease Addendum.
- f. Logs must be updated monthly. Although the logs have been described as separate documents, they could be contained in a master spreadsheet.
- g. All information involving Reasonable Accommodation requests must be kept confidential, separate from the tenant's file, and will only be shared on a need-to-know basis or as required by these Policies or by law. The tenant files shall reflect the outcomes of any Reasonable Accommodation requests.
- h. Copies of the log must be provided to the City on a quarterly basis in accordance with City instructions no later than the tenth day of the month following each quarter of the calendar year.
- i. All records in this Section must be retained until August 1, 2026 or for 5 years, whichever is later.

2.16 Fair Housing Complaints or Lawsuits

Owners must immediately inform HCIDLA in writing if a tenant or an applicant files a fair housing complaint or lawsuit against them with an external agency or organization.

2.17 Department on Disability – Information and Referral Resources

General information about the rights of Individuals with Disabilities, and about securing the provision of auxiliary aids from service providers, may be requested by calling the City of Los Angeles' Department on Disability at (213) 202-2748 Voice or (213) 202-3452 TTY.

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2.18 No Retaliation

Owners/Housing Developments must not retaliate against any tenant, applicant, or associated person for exercising rights under the law or this Policy, or for requesting that the Housing Development comply with these Policies or any anti-discrimination law.

2.19 Information to be Provided Prior to the Retrofit of Units in Housing Development

Some Housing Developments may not currently have fully accessible housing units, common areas, and/or sites. If that is the case, then HCIDLA will require that the projects be retrofitted and will work with Owners to ensure that this takes place in a timely manner. The following must be provided to and approved by HCIDLA, in addition to the Owner obtaining approval of the retrofit scope of work, cost estimate, and construction schedule.

- a. A description of the process used to choose units to be retrofitted to demonstrate that these choices were made on a fair and objective basis and will result in a fair distribution of units taking into account bedroom size, amenities, and other important considerations. If vacant units are to be chosen for retrofit, the back-up plan if there are not a sufficient number of vacant units to complete the retrofit within the approved timeframe must be disclosed to HCIDLA.
- b. A Tenant Relocation Plan for any temporary or permanent relocation that ensures that low-income tenants do not have to pay the cost of relocation and accommodates tenants with disabilities.
- c. Affirmative Marketing and Tenant Transfer Plans to ensure that individuals who need the features of the accessible units will occupy the units.

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- d. A copy of the Lease Addendum to be signed by tenants occupying accessible units who do not require the accessible features of those units.